

ZB# 02-08

Summit-on-Hudson

81-4-4.10

#02-08 - Summit-on-Hudson
Area - 81-4-4.-10

Prelim.
Feb. 25, 2002

Public Hearing:
March 25, 2002

Granted
Refund: \$198.50



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Summit on Hudson

FILE# 02-08

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE.....\$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 2/25 3.....\$ 13.50
2ND PRELIMINARY- PER PAGE 3/25/02 4.....\$ 18.00
3RD PRELIMINARY- PER PAGE.....\$
PUBLIC HEARING - PER PAGE.....\$
PUBLIC HEARING (CONT'D) PER PAGE.....\$
TOTAL.....\$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING 2/25.....\$ 35.00
2ND PRELIM. 3/25/02.....\$ 35.00
3RD PRELIM.....\$
PUBLIC HEARING.....\$
PUBLIC HEARING (CONT'D).....\$
TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$
TOTAL.....\$ 101.50

LESS ESCROW DEPOSIT.....\$ 300.00
(ADDL. CHARGES DUE).....\$
REFUND DUE TO APPLICANT..\$ 198.50

*paid ck 3742
3/12/02
#3743.
cell:
845-
536-
4408*

Date May 9, 2002,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Summit-on-Hudson Assocs. DR.

404 East Rt. 59, Nanuet, NY 10954.

[illegible]

SUMMIT-ON-HUDSON ASSOCIATES
LIMITED PARTNERSHIP

3743

50-597/219

DATE 3/12/02

PAY
TO THE
ORDER OF

Town of New Windsor

\$ 300

Three hundred -

DOLLARS



UNION STATE BANK
45 COLLINGS AVENUE
HARRIST, NY 10804
Member FDIC

FOR

escrow deposit 20A variance ZBA #02-08

⑈003743⑈ ⑆021905977⑆ 475⑈73081⑈0⑈

3742

**SUMMIT-ON-HUDSON ASSOCIATES
LIMITED PARTNERSHIP**

50-597/219

DATE 3/12/02

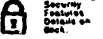
PAY
TO THE
ORDER OF

Town of New Windsor

\$ 50

Fifty

DOLLARS



UNION STATE BANK

40 COLLEGE AVENUE
NEWBURGH, NY 10901

Member FDIC

FOR

application for variance ZBA #02-08.

[Signature]

⑈003742⑈ ⑆021905977⑆ 475⑈73081⑈0⑈

In the Matter of the Application of

SUMMIT ON HUDSON

MEMORANDUM
OF DECISION
GRANTING
VARIANCE

#02-08.

WHEREAS, SUMMIT ON HUDSON, 404 East Rt. 59, Nanuet, N. Y. 10954, has made application before the Zoning Board of Appeals for a 10 ft. side yard variance for a deck at Unit 131 on Hewitt Lane, in variation of Section 48-1B(2) Site Development Plan Review, in an R-5 zone; and

WHEREAS, a public hearing was held on the 25th day of March, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant Izzy Iberthal appeared for this Application; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, the two spectators were not opposed to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a townhouse located in a complex of townhouses in a residential zone.

(b) The unit has been constructed but was located so that when a deck was placed on the back of the unit, it encroached on the allowable side yard.

(c) Although the original approved site map does not show any decks, the units have decks on them. The deck constructed on this unit is similar to the other decks in the complex.

(d) The variance sought will be sought only for this unit as the other units will comply with the side yard and rear yard requirements although decks were not originally shown on the site plan.

(e) The unit complies in all other respects with all requirements of the local code.

(f) The deck will not cause any ponding or collection of water, or alter the course of drainage.

(g) The deck is not erected on top of any water or sewer easements, wells or septic systems.

(h) If the deck were permitted, it will not interfere with fire access.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. side yard variance for a deck at Unit 131 on Hewitt Lane in variation of Section 48-1B(2) of the Site Development Plan Review, in an R-5 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: June 10, 2002.



Chairman

Date 4/23/82

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Francis Bell
108 N. Dairy Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
3/25/82		Zurong Board Mtg	75 00	
		Misc 21		
		By the - 7		
		Roberts - 3		
		Kelly - 3		
		Mittelman - 3		
		Dean - 4		
		Caldwell - 3		
		Strategic Real Estate - 3		
		Summit on Hudson - 4	18.00	
		31	139 50	
			214 50	

SUMMIT ON HUDSON

MR. TORLEY: Request for 10 ft. side yard variance for deck at Unit 131 on Hewitt Lane in variation of Section 48-1B(2) Site Development Plan Review.

Mr. Izzy Iberthal appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience wishing to speak on this application? I'll ask you to sign this just so we have your name correct for the record. We have a notice that 48 letters were mailed out on the 12 of March.

MR. IBERTHAL: I'm the developer for Summit on the Hudson and this one rear deck over there, the actual building is 22 foot apart between the next building as on the site map, but only the deck is encroaching and it's only a 12 foot from the next building. There's no safety problem, I don't think there's any State Code violations and the house is up already basically there was no other place to put it.

MR. TORLEY: How did it come to be that that deck was put in improperly?

MR. IBERTHAL: We didn't know that the deck was part of the original approved site map, doesn't show any decks.

MR. TORLEY: How old is the site map?

MR. BABCOCK: It's back in the early '80's and basically has no measurements on it whatsoever, Mr. Chairman, that's a newer version. Well, what happened was, Mr. Chairman, is that over the years, things have changed and it was nice to put everything on paper but it didn't have all if it. So they have been back many times in front of the planning board to rearrange units and layout, the clubhouse is in a different area for the benefit of the property, the planning board has approved their applications each time in this application it shows a measurement of 22 feet. Throughout their process of building, back in the early '80's, the decks were not included in the setbacks and

since then, we have included that, I can't tell you what year that was, so apparently, they didn't know that the deck wasn't part of the setback, they built the deck and when we asked for the as-built, the building's 22 feet, as the building shows, but it doesn't show the deck so it winds up that the building is actually 12 feet instead of 22 feet so he needs a ten foot variance.

MR. MC DONALD: Just on the building or are we going to be doing it--

MR. IBERTHAL: Just on that building.

MR. BABCOCK: Typically, the way the building's laid out it's actually projecting instead of the building projecting straight to the rear, it's actually the deck is coming to the side.

MR. MC DONALD: Okay.

MR. BABCOCK: Mr. Chairman, I understand my office inspected this and it's fine, it's actually waiting for this variance approval to be issued a C.O. for the unit.

MR. IBERTHAL: The client is right here.

MR. TORLEY: This encroachment has not caused any adverse water ponding or drainage?

MR. IBERTHAL: Not at all, no.

MR. TORLEY: It's not over any water or sewer easements, power lines, anything like that?

MR. IBERTHAL: No.

MR. TORLEY: Len, you're an expert in this area, you don't see any problem with the fire fighting difficulty? Has me a little worried about that.

MR. MC DONALD: There's plenty of room, they have been down there before.

MR. TORLEY: We haven't had any complaints from the fire marshal, you worry about fire access.

MR. IBERTHAL: Sure.

MR. TORLEY: I'm going to open this up.

MR. KRIEGER: Same kind of deck that each of the units has?

MR. IBERTHAL: Yes.

MR. TORLEY: Open it up to the public now. Sir?

MR. LATHOURIS: I am the public, I just want to, Emanuel Lathouris, I live on 43 Lafayette Street, I wanted to come here to see what the plans were. Is this part of Plum Point?

MR. BABCOCK: Yes.

MR. IBERTHAL: Its Phase 4.

MR. TORLEY: How far from this unit do you live?

MR. BABCOCK: From the unit itself, it's quite a distance from the property line, he's within the 500 feet, that's why he got notified.

MR. LATHOURIS: This is Phase 6?

MR. IBERTHAL: This is Phase 6.

MR. TORLEY: All we're talking about is this one building?

MR. IBERTHAL: Right.

MR. TORLEY: Sir, do you have an opinion on this particular building and this deck?

MR. SABINI: No.

MR. TORLEY: You're not opposed?

MR. SABINI: Not at all.

MR. TORLEY: If you have no other questions, I'll close the public hearing unless you want to say something?

MR. IBERTHAL: She wants to move in.

MR. TORLEY: Open it back up to the members of the board. Gentlemen, anything else you wanted to ask about?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I make a motion that we approve the requested variance for 131 Hewitt Lane.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

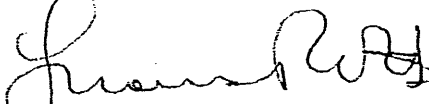
MR. REIS: Motion to adjourn.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

3/25/02 Public Hearing: Summit-on-Hudson #02-08

✓ EMMANUEL LATHOUMIS 43 LAFAYETTE DRIVE.
Ronnie Hornigsbaum —

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: February 7, 2002

APPLICANT: Summit on Hudson
404 East Rt 59
Nanuet, NY 10954

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: December 18, 2001

FOR : C. O. Unit 131

LOCATED AT: Summit on Hudson – Unit 131

ZONE: Sec/ Blk/ Lot: 81-4-4.-10

DESCRIPTION OF EXISTING SITE: Existing Attached One Family Homes

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Unit 131 has a rear deck that projects closer than the approved 22' set-back on site plan.

PERMITTED

22'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-5 USE: 48-19-B-2

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

12'

10'

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

OK
E

**PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building must be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

AUG 20 1999

FOR OFFICE USE ONLY
Building Permit #: 9905-1999

**FFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
QUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Summit on Hudson Assoc.

Address 26 CONCORD DR. MONSIEY N.Y. Phone 356-4408

Mailing Address 26 CONCORD DR. MONSIEY N.Y.

Name of Architect MICHAEL POMARINO

Address 32 POMARINO DRIVE Phone (914) 564-0448

Name of Contractor STEVEN M Davis

Address 619 South St Newburg N.Y. Phone 565-5561

State whether applicant is owner, lessee, (agent) architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

Stan M. D.
(Name and title of corporate officer)

On what street is property located? On the South ~~East~~ side of HEWITT LANE
(N,S,E or W)
and 50 feet from the intersection of TAMERISK LANE

Zone or use district in which premises are situated _____ Is property a flood zone? Y N

Tax Map Description: Section 81 Block 4 Lot 4-9 + (-10)

State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy 2-plex ~~Single family~~ b. Intended use and occupancy A-2

Nature of work (check if applicable) New Bldg ☒ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

Is this a corner lot? YES

Dimensions of entire new construction. Front 56'-4" Rear 56'-4" Depth 41' Height 27' No. of stories 2

If dwelling, number of dwelling units: 2 Number of dwelling units on each floor _____

Number of bedrooms 3 Baths 2 1/2 Toilets 3 Heating Plant Gas Oil _____

Electric Hot Air _____ Hot Water ✓ If Garage, number of cars 1

If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

D. Estimated cost 80,000 Fee _____

80,000

\$ 160,000. TOTAL

4,668 sq ft

Foot
feet - 102
units - 130-131
Series
For file
JMS
Firm

Aug 17 1994
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

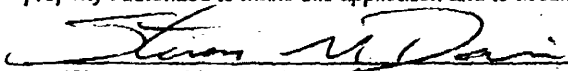
Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

619 South St Newburgh, N.Y.
(Address of Applicant)

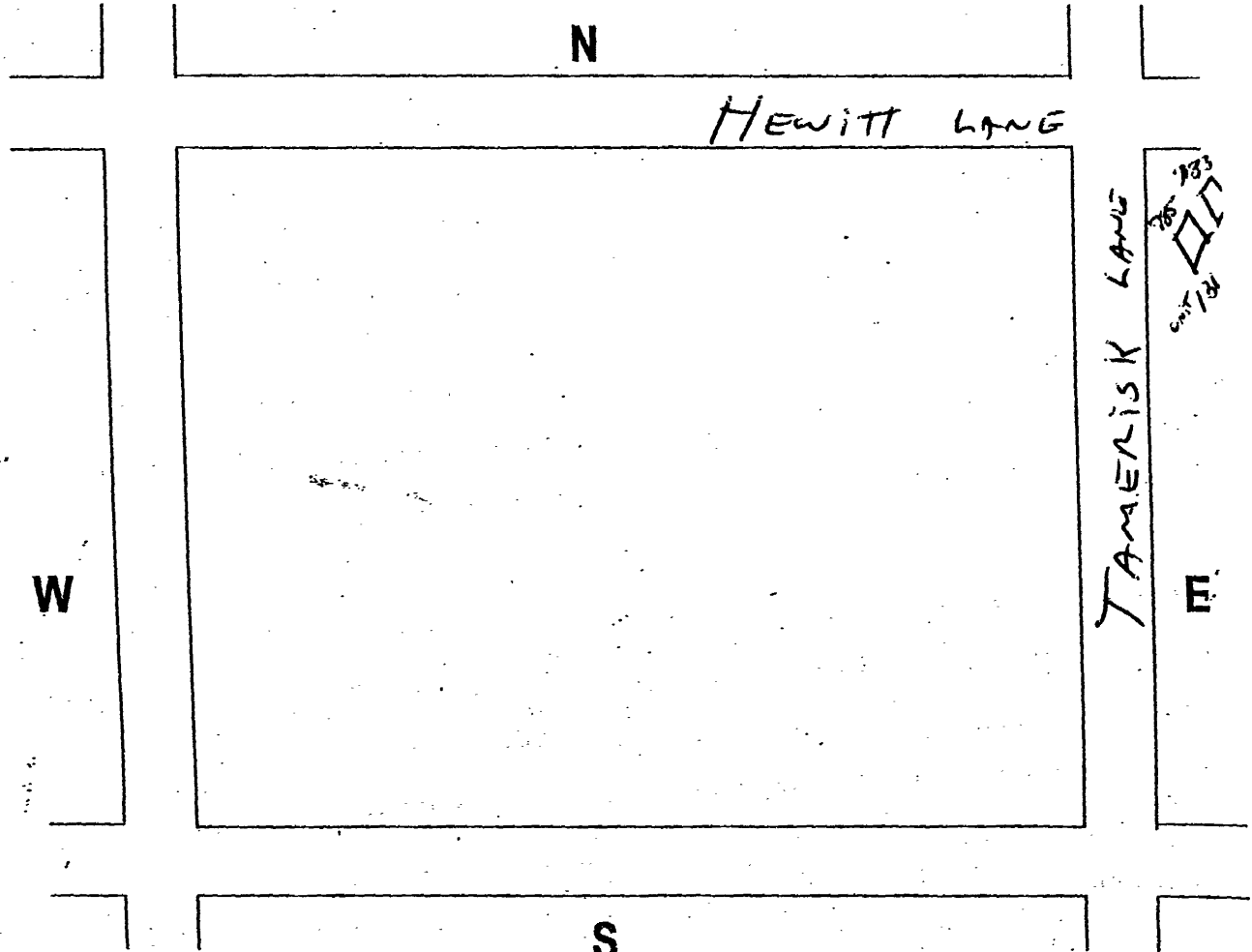
12553

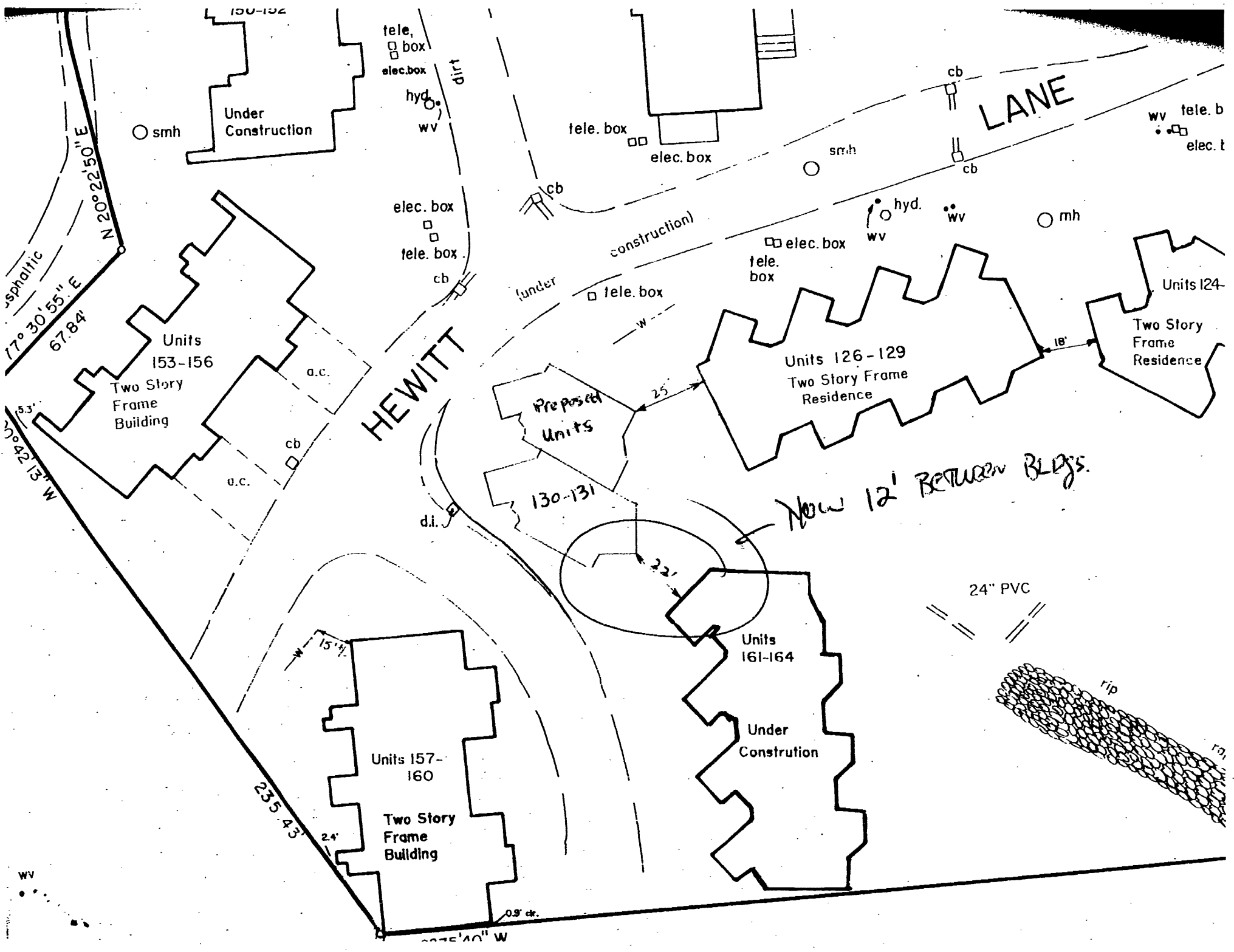
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





ZBA# 02.08

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#259-2002

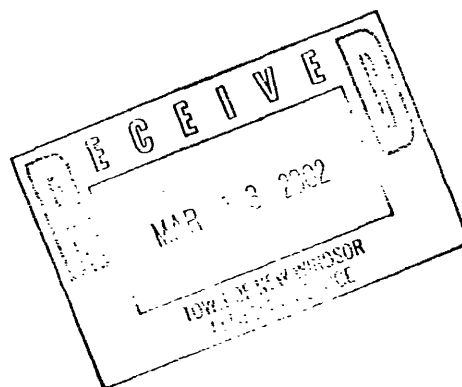
03/13/2002

Summit- On- Hudson Associates

Received \$ 50.00 for Zoning Board Fees on 03/13/2002. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X

In the Matter of the Application for Variance of

Summit on Hudson

AFFIDAVIT OF
SERVICE
BY MAIL

02-08.

-----X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Patricia A. Corsetti, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside in New Windsor, Orange County, N. Y.

That on the 12th day of March, 2002, I compared the 48 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Sworn to before me this

____ day of _____, 20____.

Notary Public



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

March 12, 2002

Summit on Hudson
Associates LP
404 East Route 59
Nanuet, NY 10954

Re: 81-4-4.-10

Dear Sirs:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

9-1-100
Warex Terminals Corporation
P.O. Box 488
Newburgh, NY 12550

23-4-17
Ronald Olsen
13 Valley View Dr.
New Windsor, NY 12553

37-1-22
Petro Realty of New York, Inc.
2987 NYS Route 9W
New Windsor, NY 12553

9-1-101
Benjamin Harris
P.O. Box 780
Cornwall, NY 12518

27-3-8
Christine & John Diopoulos
12 Barclay Rd
New Windsor, NY 12553

48-1-1
Crystal Run Village, Inc.
601 Stony Ford Rd
Middletown, NY 10941

9-2-3
United States of America Chess Federation
3054 NYS RT 9W
New Windsor, NY 12553

27-3-9
Marilyn Thompson
10 Barclay Rd
New Windsor, NY 12553

48-1-2
Mary Rose Gostony Zampino
19 Blooming Grove Tpke
New Windsor, NY 12553

9-2-4
Eillen & Frank Dittbrenner
67 Old Rte 9W
New Windsor, NY 12553

37-1-1 ; 37-1-2.2
Peter Penny & Andrew Penny
1038 River Road
New Windsor, NY 12553

48-1-3.1; 48-1-3.2
Mary Ellen & Joseph Sayegh
3011 Route 9W
New Windsor, NY 12553

9-2-5
Neil Properties Corp.
3046 Route 9W South
New Windsor, NY 12553

37-1-4 ; 37-1-59
Town of New Windsor
555 Union Ave
New Windsor, NY 12553

48-1-5
Susan & Patrick Torpey
C/o Cross
P.O. Box 57909
Salt Lake City, UT 84157

9-2-6
Richard Roth
3026 NYS Route 9W
New Windsor, NY 12553

37-1-5.1; 5.2; 18.1 & 18.2
State of NY Office State Compt.
Bureau of Fin. Adm. Att: Colin Campbell
A.E. Smith Bldg 5TH Fl.
Albany, NY 12236

48-1-6
Grace & Douglas Harry Eames
29 Blooming Grove Tpke
New Windsor, NY 12553

9-2-7.1 ; 9-2-7.2
St. Thomas Episcopal Church
P.O. Box 4221
New Windsor, NY 12553

37-1-17
New York Central Lines, LLC
C/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

48-1-7
Mary Pat & Martin Sheffield
33 Blooming Grove Tpke
New Windsor, NY 12553

9-2-8
Susan & Mark Fischer
3117 Worthington Circle
Falls Church, VA 22044

37-1-20
Tarsio Realty Associates
C/o Pat Tarsio Lanes
115-119 So. Plank Rd
Newburgh, NY 12550

48-2-1
ABH Corp. of NY
2976 NYS Route 9W
New Windsor, NY 12553

23-4-15
Elizabeth Depuy & Robert Noe B. Jr.
9 Valley View Dr.
New Windsor, NY 12553

37-1-21.1
Dori Associates Inc.
P.O. Box 4097
New Windsor, NY 12553

48-2-2
Melonie & Kenneth Holmes
74 Lafayette Drive
New Windsor, NY 12553

23-4-16
Patricia & Peter Colombo
11 Valley View Dr.
New Windsor, NY 12553

37-1-21.2
Richard & Dagmar Bucci
3009 NYS Route 9W
New Windsor, NY 12553

48-2-3
Leroy Robert Crist Jr.
72 Lafayette Drive
New Windsor, NY 12553

48-2-4
Eleanor & Myron Rhodes
70 Lafayette Drive
New Windsor, NY 12553

48-2-5; 48-2-7
Bonnano, Piazzola & Papera
C/o Allstate Can Corp.
One Wood Hollow Rd
Parsippany, NJ 07054-2821

48-2-8
Dianne Phelan Merry
47 Lafayette Drive
New Windsor, NY 12553

48-2-9
Emmanuel Lathouris
43 Lafayette Drive
New Windsor, NY 12553

48-2-10
Christine & William Mc Donnell
27 Lafayette Drive
New Windsor, NY 12553

48-2-11
Diane & Richard Turner
19 Lafayette Drive
New Windsor, NY 12553

48-2-12
Grace & Ralph Belsito Jr.
17 Lafayette Drive
New Windsor, NY 12553

48-2-13
Nathan Pitt
15 Lafayette Drive
New Windsor, NY 12553

48-2-14
Amelia & Robert Llewellyn
13 Lafayette Drive
New Windsor, NY 12553

48-2-16
Katherine Conklin
9 Lafayette Drive
New Windsor, NY 12553

48-2-17
Dorothy Jean & Frank Sherman
7 Lafayette Drive
New Windsor, NY 12553

48-2-18
Deborah & Alan Nucifore
61 Lafayette Drive
New Windsor, NY 12553

48-2-19
Marcia & Edward Beyers
59 Lafayette Drive
New Windsor, NY 12553

48-2-20
Daniel Lomoriello
53 Lafayette Drive
New Windsor, NY 12553

48-3-1
Leonard Carpezzi Jr.
P.O. Box 631
Stony Point, NY 10980

48-3-2.1
Valicenti's Inc.
C/o Joan Marie DeMarco
2956 Rte 9W
New Windsor, NY 12553

48-3-3.1
Newburgh Realty Holding Co. Inc.
2934 Route 9W
New Windsor, NY 12553

Plum Point on Hudson Homeowner
Assoc. Inc
C/o Mid Valley Properties Mgmt. Inc.
114 Route 17 K
Newburgh, NY 12550

Pls. publish immediately. Send bill to : Summit on Hudson
404 East Rt. 59
Nanuet, NY 10954.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 8

Request of Summit on Hudson

for a **VARIANCE** of the Zoning Local Law to Permit:

existing rear deck w/ less than the allowable
side yard at Unit #131;

being a **VARIANCE** of Section 48-19-Site Development Plan Review

for property situated as follows:

Hewitt Lane, New Windsor, NY

known and designated as tax map Section 81, Blk. 4 Lot 4-10

PUBLIC HEARING will take place on the 25th day of March,
2002 at the New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Date 3/4/02

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.

100 N. Broadway
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
2/25/02	Zoning Board Mtg		75 00	
	Misc - 3			
	Handy - 1			
	Caldwell - 3			
	Summit-on-Hudson - 3			
	Strategic Real Estate - 2			
	Foley - 4			
	Curtain - 4			
	DiLocco - 3			
	Searing - 9			
	Hong - 4		175 56	
	Delaney - 3		250 00	
	<u>39</u>			

SUMMIT-ON-HUDSON

MR. TORLEY: Request for 10 ft. side yard variance for rear deck on Unit #131 on Hewitt Lane in an R-5 zone.

Mr. Steven Davis appeared before the board for this proposal.

MR. TORLEY: Why are you here?

MR. DAVIS: We have the building up and I can't move it, we actually did move it once back at the town's request from the original site, the decks are not shown on the site map.

MR. BABCOCK: Mr. Chairman, maybe I can clear this up a little bit. The plan is quite old, it was back in the '80's for Plum Point and there wasn't really any measurements on it between locations, it was all scaled this one section and back when they started building this project, decks weren't included in the setbacks, you guys remember that. Today, they came back for this section to the planning board and got a modification, moved buildings around so they can separate them a little bit and not knowing that the decks are part of the setbacks, they built the house 22 feet away which the setback is and then added the deck now they became 12 foot away and when we told them that the deck was included in the setback, they were quite taken back from that where back maybe in the '80's when they got this approved that wasn't the case apparently so they didn't deliberately add the deck afterwards, they put the deck there not thinking that it was part of the setback.

MR. DAVIS: Every unit down there has a deck on it.

MR. TORLEY: Are there more condos being built?

MR. DAVIS: Yes.

MR. TORLEY: You're now aware of the difference in the setbacks so they'll be spaced out far enough so you won't require the variances.

MR. DAVIS: Yes, there was a site map delivered for phase 4 and 5.

MR. TORLEY: They are so constructed that they will not require variances?

MR. BABCOCK: Yes.

MR. BABCOCK: Most of the other units the way that they face, the decks wouldn't project closer to another building. If you notice, they go towards the property lines, so I don't see this happening again. I'm not going to say it's never going to happen again but I don't see it.

MR. TORLEY: You're now aware of the Town Code in this matter?

MR. DAVIS: Yes.

MR. TORLEY: I really don't want developers to come back in and do it again, say oh gee, I'll just go get another variance.

MR. DAVIS: Okay.

MR. TORLEY: Gentlemen agree with that point of view?

MR. REIS: Absolutely.

MR. TORLEY: Anyone have any questions of the applicant at this time? Entertain a motion on this matter.

MR. RIVERA: Make a motion that we place Summit-on-the-Hudson request for ten foot side yard variance for rear deck on unit 131 on Hewitt Lane for the public hearing.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

February 25, 2002

8

MR. TORLEY

AYE

This Indenture,

Made the 17th day of ~~September~~ October
Nineteen Hundred and Ninety-four

Between

PLUM POINT-ON-HUDSON ASSOCIATES, a New York Limited Partnership,
having an office at 150 Old Route 9W, New Windsor, New York

party of the first part, and

Limited Partnership,

SUMMIT-ON-HUDSON ASSOCIATES, a New York Limited Partnership,
having an office at 404 East Route 59, Nanuet, New York

Witnesseth that the party of the first part, in consideration of part y of the second part,
TEN AND NO/100---

----- Dollars (\$ 10.00)
lawful money of the United States, and other good and valuable consideration
paid by the party of the second part, do es hereby grant and release unto the
party of the second part, its successors and assigns forever, all
that certain plot, piece or parcel of land, with the buildings and improvements
thereon erected, situate, lying and being in the Town of New Windsor, County of
Orange and State of New York, and being more particularly bounded and described
in Schedule "A" attached hereto.

9411040125

Chicago Title Insurance Company

Title No. 9411040125

D E S C R I P T I O N

- Schedule A -

PARCEL I

ALL THAT CERTAIN plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Old Route 9W, said point marking the southwest corner of the herein described parcel and said point being North 25 deg 21' 02" East 350.50 feet and North 32 deg 59' 03" East 674.01 feet from the northwest corner of lands now or formerly of Visconti (Liber 1856 page 451); thence continuing along the easterly side of said Old Route 9W, North 32 deg 59' 03" East 131.23 feet to the northwest corner of the herein described parcel and the southerly line of Section II; running thence along the southerly line of said Section II, South 79 deg 36' 40" East 252.10 feet; South 08 deg 24' 40" East 59.00 feet; South 88 deg 24' 40" East 89.00 feet; South 03 deg 37' 40" East 59.00 feet; South 82 deg 24' 40" East 135.00 feet; South 00 deg 19' 40" East 130.00 feet; North 81 deg 40' 20" East 125.00 feet; South 08 deg 19' 40" East 20.00 feet; and North 80 deg 56' 34" East 337.69 feet to a point marking the northeast corner of the herein described parcel and the westerly line of lands now or formerly Penn Central Railroad; running thence southwesterly along the same on a curve to the right with a radius of 2815.43 feet and an arc length of 571.23

DESCRIPTION

Chicago Title Insurance Company

Title No. 9411040125

D E S C R I P T I O N

feet and South 32 deg 37' 25" West 43.44 feet to a point marking the southerly line of the herein described parcel and the northerly line of Section IV; thence along the same, North 36 deg 38' 10" West 374.87 feet; North 29 deg 55' 20" East 58.00 feet; North 39 deg 14' 40" West 197.00 feet; South 86 deg 35' 20" West 48.00 feet; North 71 deg 39' 37" West 137.09 feet to a point marking the northerly line of a 1.562 acre recreation parcel; thence along the same, North 57 deg 09' 45" West 282.37 feet to the point or place of beginning.

EXCEPTING THEREFROM the following numbered Condominium Units together with the undivided percent interest in the common elements of the property as defined in the Declaration of Condominium recorded in Liber 2966 page 86: 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 96, 97, 98, 99, 101, 110, 111, 113, 114, 115 and 116.

PARCEL II

ALL THAT CERTAIN plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point marking the most northerly corner of the herein described parcel and the most easterly corner of a 1.562 acre recreation parcel, said point also being on the southerly

DESCRIPTION

DESCRIPTION

line of Section III; running thence along the division line of said Section III and the herein described parcel, South 71 deg 39' 37" East 137.09 feet, North 86 deg 35' 20" East 48.00 feet; South 39 deg 14' 40" East 197.00 feet; South 29 deg 55' 20" West 58.00 feet; South 36 deg 38' 10" East 374.87 feet to a point on the westerly line of lands now or formerly of Penn Central Railroad; thence southerly along the same, South 32 deg 37' 25" West 237.00 feet to a point marking the southerly line of the herein described parcel and the northerly line of Section V; thence along the same, North 60 deg 35' 40" West 585.00 feet; North 00 deg 42' 13" West 235.43 feet to a point marking the southerly line of the aforementioned recreation area; thence along the same, North 77 deg 30' 55" East 67.84 feet and North 20 deg 22' 50" East 220.00 feet to the point or place of beginning.

PARCEL III

ALL THAT CERTAIN plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Old Route 9W, said point marking the southerly division line of the herein described parcel and the northeasterly line of Section VI, said

DESCRIPTION

DESCRIPTION

point being North 25 deg 21' 02" East 350.50 feet and North 32 deg 59' 03" East 287.62 feet from the northwest corner of lands now or formerly Visconti (Liber 1856 page 451); thence continuing along the easterly side of said Old Route 9W, North 32 deg 59' 03" East 176.39 feet to a point marking the northerly division line of the herein described parcel and the southerly line of a 1.562 acre recreation parcel; running thence along the same, South 57 deg 09' 45" East 197.91 feet and South 25 deg 06' 40" East 100.00 feet to a point marking the westerly line of Section IV and the easterly line of the herein described parcel; running thence along said Section IV, South 00 deg 42' 13" East 235.43 feet and South 60 deg 35' 40" East 585.00 feet to a point marking the westerly line of lands now or formerly Penn Central Railroad; thence southerly along the same, South 32 deg 37' 25" West 351.99 feet to a point marking the southerly line of the herein described parcel and the northeasterly line of Section VI; thence along the same, North 47 deg 11' 40" West 520.00 feet; South 46 deg 25' 20" West 43.00 feet; North 31 deg 04' 40" West 276.00 feet; North 32 deg 23' 20" East 124.00 feet; North 56 deg 27' 40" West 77.00 feet; North 04 deg 40' 40" West 120.00 feet and North 57 deg 00' 57" West 73.19 feet to the point or place of beginning.

Chicago Title Insurance Company

Title No. 9411040125

D E S C R I P T I O N

PARCEL IV

ALL THAT CERTAIN plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Old Route 9W, said point marking the northeasterly division line of the herein described parcel and the southwesterly division line of Section V, said point being North 25 deg 21' 02" East 350.50 feet and North 32 deg 59' 03" East 287.62 feet from the northwest corner of lands now or formerly of Visconti (Liber 1856 page 451); running thence along the division line of Section V and Section IV, South 57 deg 00' 57" East 73.19 feet; South 04 deg 40' 40" East 120.00 feet; South 56 deg 27' 40" East 77.00 feet; South 32 deg 23' 20" West 124.00 feet; South 31 deg 04' 40" East 276.00 feet; North 46 deg 25' 20" East 43.00 feet and South 47 deg 11' 40" East 520.00 feet to a point on the westerly line of lands now or formerly of Penn Central Railroad; thence along the same, South 32 deg 37' 25" West 82.75 feet; North 46 deg 29' 35" West 30.55 feet; South 32 deg 37' 25" West 585.29 feet; South 57 deg 58' 39" East 46.10 feet; and South 32 deg 37' 25" West 312.90 feet to a point marking the southerly division line of the herein described parcel and the northerly line of lands now or formerly Wilson; thence along the

DESCRIPTION

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DESCRIPTION

same, South 75 deg 21' 33" West 65.00 feet; South 83 deg 21' 33" West 325.00 feet and North 47 deg 53' 27" West 130.00 feet; North 15 deg 03' 02" East 52.74 feet to a point on the southeasterly side of Lafayette Drive; thence along the same, North 36 deg 00' 33" East 115.18 feet; running thence along the southerly, easterly and northerly line of lands now or formerly Bonanno, South 53 deg 59' 27" East 200.00 feet; North 36 deg 00' 33" East 450.00 feet; North 53 deg 59' 27" West 200.00 feet to a point on the southeasterly side of the aforementioned Lafayette Drive; thence along the same, North 36 deg 00' 33" East 25.00 feet and North 11 deg 22' 33" East 119.96 feet; running thence northeasterly along lands now or formerly Bonanno, North 36 deg 00' 33" East 211.99 feet; running thence northwesterly along the northerly line of said Bonanno, in part, Rhodes, Christ, Ray, and Visconti, North 82 deg 57' 27" West 22.20 feet; North 56 deg 37' 20" West 197.90 feet; and North 48 deg 56' 03" West 303.83 feet to a point on the southeasterly side of the aforementioned Old Route 9W; thence along the same, North 25 deg 21' 02" East 350.50 feet and North 32 deg 59' 03" East 287.62 feet to the point or place of beginning.

PARCEL V

ALL THAT CERTAIN plot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New

DESCRIPTION

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D E S C R I P T I O N

York, bounded and described as follows:

BEGINNING at a point on the easterly side of Old Route 9W, said point being North 25 deg 21' 02" East 350.50 feet and North 32 deg 59' 03" East 464.01 feet from the northwest corner of lands now or formerly Visconti (Liber 1856 page 451); running thence northeasterly along the easterly side of said Old Route 9W, North 32 deg 59' 03" East 210.00 feet to a point marking the northwest corner of the herein described parcel; running thence through lands of Plum Point-on-Hudson, South 57 deg 09' 45" East 282.37 feet to a point marking the northeast corner of the herein described parcel, South 20 deg 22' 50" West 220.00 feet to a point marking the southeast corner of the herein described parcel; thence South 77 deg 30' 55" West 67.84 feet; North 25 deg 06' 40" West 100.00 feet and North 57 deg 09' 45" West 197.91 feet to the point or place of beginning.

Together with the appurtenances and all the estate and rights of the part
of the first part in and to said premises,

To Have and to Hold the premises herein granted unto the party of the
second part, its successors and assigns forever.

And said PLUM POINT-ON-HUDSON ASSOCIATES

covenants as follows:

First, That said PLUM POINT-ON-HUDSON ASSOCIATES

seized of said premises in fee simple, and has good right to convey the same;

Second, That the party of the second part shall quietly enjoy the said
premises:

Third, That the said premises are free from incumbrances;

Fourth, That the party of the first part will execute or procure any further
necessary assurance of the title to said premises;

Fifth, That said PLUM POINT-ON-HUDSON ASSOCIATES

will forever **Warrant** the title to said premises.

Sixth, That, in Compliance with Sec. 13 of the Lien Law, the grantor will
receive the consideration for this conveyance and will hold the right to receive such
consideration as a trust fund to be applied first for the purpose of paying the cost of
the improvement and will apply the same first to the payment of the cost of the
improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set its
hand and seal the day and year first above written.

In Presence of

PLUM POINT-ON-HUDSON ASSOCIATES

By: 

KENNETH RUSS, General Partner

State of New York
County of

} ss. On this _____ day of
Nineteen Hundred and _____
before me, the subscriber, personally appeared

to me personally known and known to me to be the same person described in and
who executed the within Instrument, and he acknowledged
to me that he executed the same.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ~~18th~~ ^{October} day of ~~September~~, 1994, before me personally came KENNETH RUSSX to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is a general partner of the firm PLUM POINT-ON-HUDSON ASSOCIATES, a Limited Partnership, and that he executed the foregoing instrument in the firm name of PLUM POINT-ON-HUDSON ASSOCIATES, and that he had authority to sign the same, and he acknowledged to me that he executed the same as the act and deed of said firm for the uses and purposes therein mentioned.

Residing Rte 9W
New Windsor N.Y.
13553


NOTARY PUBLIC

ANTHONY L. PACANES
NOTARY PUBLIC, State of New York
Qualified in Dutchess County
Commission Expires August 31, 1996

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

02-08

Date: 3/12/02.

I. Applicant Information:

- (a) SUMMIT-ON-HUDSON, 26 CONCORD DR - MONSEY NY 10952 / 845-356
(Name, address and phone of Applicant) (Owner) 4408
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-5 UNIT 131-785 HEWITT LANE 81-4-4-10
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? 1994
- (e) Has property been subdivided previously? YES
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-19, Table of Use / Bulk for R-5 Regs., Col. F.
B-2.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>22'</u>	<u>12'</u>	<u>10'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

THE ACTUAL BUILDING WITHOUT THE DECK IS 22' AWAY,
ONLY THE DECK IS 12' AWAY.
THERE IS NO SAFETY PROBLEM OR ANY N.Y.S. CODE
VIOLATION, EXCEPT THAT IT DOES NOT MEET THE
APPROVED SITE MAP

(You may attach additional paperwork if more space is needed) See attached

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law,
 Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law,
 Section _____, Table of _____ Regs.,
 Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:


- ☐ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☐ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 3/12/02

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

12 day of March, 2002

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA FELIPE
Notary Public, State of New York
No. 44-5883135
Qualified in Rockland County
Certificate filed in Rockland County
Commission Expires Feb. 23, 2003

SUMMIT-on-HUDSON ASSOCIATES

26 Concord Drive
Monsey, New York 10952

(845) 356 4408
fax (845) 356 4938

Re: Unit 131 - 785 Hewitt Lane
81.4.4.10

- The distance between the actual building (without the deck) and next building is 22 feet as on the approved site map. Only the deck which is a separate structure is only 12 feet away.
- There is no safety problem or any New York State code violation, except to the fact that on the approved site map there is a 22 feet distance between the two buildings.
- There are no decks shown on the entire approved site map.
- The location of many of the decks that were built in the previous Phases I, II and III does not conform with the site map.
- In a letter dated 2/8/02, The Board of Managers of Plum Point Condominium IV stated that they have no objection to the fact that the distance between the deck of unit #131 and unit #164 is 12 feet.

PLUM POINT CONDOMINIUM IV
New Windsor, New York

26 Concord Drive
Monsey, New York 10952

(845) 356 4408
fax (845) 356 4938

2/8/02

Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

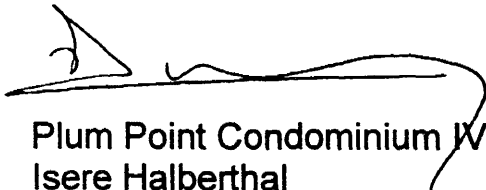
Please be advised that the Board of Managers of Plum Point Condominium IV is still under the control of the Sponsor.

Summit-on-Hudson has submitted building plans to the Town for unit #131, 785 Hewitt Lane. The building has been completed.

The distance between the actual foundation of this unit and unit #164 is approximately 22 feet and the distance between the deck of this unit and unit #164 is approximately 12 feet.

Both units, unit #131 and unit #164 are part of our phase Plum Point Condominium IV and we as the Board of Managers have no objection to the fact that the distance between the deck of unit #131 and unit #164 is 12 feet.

Very truly yours,



Plum Point Condominium IV
Isere Halberthal